

MELINDA L. HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

JOSEPH FAZIOLI (ILBN 6273413)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5595
Facsimile: (408) 535-5066
joseph.fazioli@usdoj.gov

FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. CR 5:13-MJ-70368 HRL
Plaintiff,)
v.) STIPULATION AND [PROPOSED]
STEVEN HIBBETT,) ORDER CONTINUING APPEARANCE
Defendant.) DATE AND EXCLUDING TIME FROM
THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C.
§ 3161(h)(8)(A))

20 This matter is scheduled before the Court for an preliminary hearing or arraignment on
21 May 9, 2013. On April 5, 2013, this Court issued a criminal complaint against the defendant
22 related to two child pornography offenses under 18 U.S.C. § 2252(a). The United States and the
23 defendant now request a continuance until June 6, 2013 in order to afford defense counsel
24 additional time to effectively prepare and also to allow the parties an opportunity to discuss a
25 potential pre-indictment resolution of the mattter. The parties agree, and the Court finds and
26 holds, as follows:

1. The preliminary hearing or arraignment is continued to June 6, 2013.

**STIPULATION AND [PROPOSED] ORDER
CR 5:13-MJ-70368 HRL**

1 2. Time should be excluded under Rule 5.1 from May 9, 2013 to June 6, 2013 in
2 order to allow defense counsel additional time to effectively prepare and also to allow the parties
3 an opportunity to discuss a potential pre-indictment resolution of the matter. The parties agree
4 that the continuance is proper under Rule 5.1 of the Federal Rules of Criminal Procedure and 18
5 U.S.C. § 3060.

6 3. The time between May 9, 2013 to June 6, 2013 is excluded under the Speedy
7 Trial Act. The parties agree that the failure to grant the requested continuance would
8 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
9 into account the exercise of due diligence. Finally, the parties agree that the ends of justice
10 served by granting the requested continuance outweigh the best interest of the public and the
11 defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §
12 3161(h)(8)(A).

13 STIPULATED:

14 DATED: 5/8/13

/s/
VARELL FULLER
Assistant Federal Public Defender

16 DATED: 5/8/13

/s/
JOSEPH FAZIOLA
Assistant United States Attorney

18 IT IS SO ORDERED.

19 DATED: 5/8/13

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

